

Message Text

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ACTION ARA-10

INFO OCT-01 IO-10 ISO-00 SR-02 ORM-01 CIAE-00 DODE-00

PM-03 H-01 INR-07 L-02 NSAE-00 NSC-05 PA-01 RSC-01

PRS-01 SP-02 SS-15 USIA-06 AID-05 IGA-01 SCA-01 VO-03

/078 W

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R 301309Z JAN 75

FM AMEMBASSY SANTIAGO

TO SECSTATE WASHDC 1971

INFO USMISSION GENEVA

USMISSION USUN NEW YORK

C O N F I D E N T I A L SANTIAGO 0646

EO 11652: GDS

TAGS: CI, PINS, SHUM, SREF

SUBJECT: STATUS OF DETAINEE RELEASE PROGRAM

1. SUMMARY: NATIONAL COMMITTEE FOR REFUGEES (COMAR) EX. DIR. SAMUEL NALEGACH TOLD EMBOFFS COMAR IS PRESENTLY CIRCULATING A LIST OF 1,000 PERSONS WHO ARE SERVING SENTENCES BUT MAY BE RELEASED FOR EXILE ABROAD. NALEGACH SAID HE HOPED USG WOULD SEE ITS WAY CLEAR TO ACCEPT THE "HANDFUL" WHO WOULD BE INTERESTED IN GOING TO US. THIS LIST IS IN ADDITION TO COMAR EFFORTS TO PLACE PERSONS DETAINED WITHOUT CHARGE UNDER STATE OF SIEGE REGULATIONS. NALEGACH CLAIMED TOTAL NUMBER OF PERSONS HELD BY GOC IN ALL CATEGORIES IS ABOUT 3,000; GOC IS MOVING ENERGETICALLY TO BRING PENDING JUDICIAL CASES TO TRIAL OR TO DROP CHARGES. NALEGACH ARGUED STRONGLY FOR NECESSITY OF COMBINED CHURCH REPRESENTATION TO GOC TO STOP ARRESTING PEOPLE, BUT ADMITTED CONSENSUS AMONG DENOMINATIONS AND HIERARCHIES ON THIS POINT IS LACKING. END SUMMARY.

2. DURING LENGTHY CONVERSATION JAN. 29, SAMUEL NALEGACH, EXECUTIVE DIRECTOR OF INTERDENOMINATIONAL NATIONAL COMMITTEE FOR REFUGEES (VOMAR), TOLD EMBOFFS THAT COMAR IS PRESENTLY

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CIRCULATING A LIST OF ONE THOUSAND PERSONS SERVICING SENTENCES

(CONDENADOS) WHO WILL BE ELIGIBLE FOR EVENTUAL RELEASE INTO EXILE. LIST HAS BEEN GIVEN TO 18 EMBASSIES IN SANTIAGO, AND SHOWS EACH PERSON'S NAME, PROFESSION, MARITAL STATUS, SENTENCE, AND PRESENT LOCATION. NALEGACH PROMISED TO PROVIDE US WITH COPY OF LIST. THIS LIST IS IN ADDITION TO ROUGHLY 500 CATEGORY I DETAINEES (THOSE HELD WITHOUT CHARGE) WHICH COMAR AND ITS ASSOCIATES ARE TRYING TO PLACE AND WHICH WAS DISCUSSED BY CHILEAN AMB. TO UN HUERTA WITH UN SEC.GEN. WALDHEIM FEW DAYS AGO. NALEGACH COMMENTED THAT MANY COUNTRIES ARE DEMANDING VIEW OF TOTAL GROUP OF PERSONS TO BE RELEASED BEFORE DECIDING ON THEIR OWN MIX OF DETAINEES/CONVICTS. HE VOLUNTEERED THAT THERE SEEMED TO BE MORE INTEREST IN THOSE ALREADY CONVICTED THAN IN THOSE WHO ARE SIMPLY DETAINED.

3. HE DESCRIBED MECHANISM FOR RELEASE AS FOLLOWS. A DECREE LAW IS PRESENTLY BEING CIRCULATED FOR CLEARANCE AMONG GOC MINISTRIES (HE THOUGHT IT HAD CLEARED JUSTICE AND IS NOW IN INTERIOR). DECREE-LAW WOULD EMPOWER GOC TO COMMUTE PRESENT JAIL SENTENCES INTO EXPULSION (EXTRANAMIENTO). NALEGACH STRESSED DL DOE NOT USE TERM "PARDON" (INDULTO). TO TAKE ADVANTAGE OF THIS DL, EACH PRISONER MUST DEMONSTRATE THAT HE HAS A COUNTRY WHICH IS WILLING TO ACCEPT HIM.

4. QUERIED CLOSELY ON NUMBERS, NALEGACH SAID THERE ARE PRESENTLY APPROXIMATELY 3,000 PERSONS DETAINED IN ALL THREE CATEGORIES USED BY GOC. THIS FIGURE DOES NOT INCLUDE THOSE HELD IN DINA INTERROGATIO CENTERS (SEPTEL). CATEGORY I, THOSE DETAINED WITHOUT CHARGE UNDER STATE OF SIEGE REGULATIONS, NOW CONTAINS APPROXIMATELY 1200 PERSONS, UP FROM LAST FIGURES WE HAVE SEEN. NALEGACH EXPLAINED INCREASE AS STEMMING FROM TWO SOURCES: (A) GOC HAS DROPPED CHARGES AGAINST A NUMBER OF PERSONS IN CATEGORY II, THEREBY PUSHING THEM BACK TO CATEGORY I; AND (B) NEW CASES OF PERSONS WHO HAVE PASSED THROUGH INTERROGATION CENTERS AND ARE NOW IN DETENTION CENTERS, PRINCIPALLY TRES ALAMOS ON OUTSKIRTS OF SANTIAGO. NALEGACH STRESSED, HOWEVER, THAT INFLUX OF NEW CASES ABOUT EQUALS NUMBER OF CATEGORY I DETAINEES RELEASED FROM DETENTION CENTERS, SO NET ADDITION IS MINIMAL, ALTHOUGH THE FACES ARE DIFFERENT.

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5. ACCORDING TO NALEGACH, GOC IS MAKING CONCERTED AND SUSTAINED EFFORT TO ELIMINATE CATEGORY II -- THOSE SUBJECT TO JUDICIAL PROCESS AND AWAITING TRIAL (PROCESADOS). GOC HAS GIVEN DEADLINE TO TRIBUNALS, MOST OF WHICH ARE MILITARY, TO BRING CATEGORY II PERSONS TO TRIAL AND CONCLUDE JUDICIAL PROCESSING. NALEGACH CLAIMED MILITARY TRIBUNALS THROUGHOUT CHILE ARE WORKING ENERGETICALLY. THERE ARE NOW ONLY SOME 700 PERSONS IN CATEGORY II, AND NUMBER IS DROPPING DAILY. APPARENTLY VERY

FEW IF ANY PERSONS ARE MOVING FROM CATEGORY I TO CATEGORY II, AND AS NOTED ABOVE, THERE IS SOME MOVEMENT IN THE OTHER DIRECTION. NALEGACH SAID THAT ONLY IN SANTIAGO HAS EFFORT TO CONCLUDE JUDICIAL PROCESS BOGGED DOWN, AND THIS IS DUE TO ACTIVE INTEREST OF SANTIAGO ARMY GARRISON COMMANDER GEN. SERGIO ARELLANO IN REVIEWING "EXCESSIVE" SENTENCES PREVIOUSLY ISSUED BY VARIOUS MILITARY TRIBUNALS IN HIS JURISDICTION RATHER THAN FAILURE OF TRIBUNALS TO BRING PEOPLE TO TRIAL EXPEDITIOUSLY. ARELLANO HAS APPOINTED THREE "FISCALES" (PROSECUTORS) REPORTING DIRECTLY TO HIM TO REVIEW SENTENCES, AND MANY ARE BEING QUIETLY AND SHARPLY REDUCED.

6. CATEGORY III - THOSE CONVICTED AND SERVING SENTENCES (CONDENADOS) NOW CONTAINS SOME 1,100 PERSONS, AND NALEGACH EXPECTS IT TO INCREASE SOMEWHAT AS CATEGORY II PEOPLE ARE TRIED AND SENTENCED. CONSEQUENTLY, PRESENT COMAR LIST OF 1,100 CONDENADOS MAY BE SUPPLEMENTED BY OTHER LISTS. NALEGACH EXPECTS NEARLY ALL CONDENADOS TO APPEAR EVENTUALLY ON A LIST.

7. EMBOFFS CAREFULLY EXPLAINED USG HAS NOT ESTABLISHED PAROLE PROGRAM FOR CHILEANS, ALTHOUGH QUESTION IS UNDER ACTIVE STUDY. CONSEQUENTLY, ANY CHILEAN DETAINEE RELEASED BY GOC WHO WISHES TO GO TO US IS SUBJECT TO REGULAR IV/NIV CRITERIA. NALEGACH SAID HE UNDERSTOOD THIS POINT, BUT HOPED USG COULD SEE ITS WAY CLEAR TO ACCEPT THE "HANDFUL" OF DETAINEES WHO WOULD BE INTERESTED IN US AS FINAL DESTINATION. EMBOFFS ALSO EXPLAINED SECURITY CRITERIA OF INA AS WELL AS INA DEFINITION OF VALID TRAVEL DOCUMENTS.

8. ON MORE GENERAL LEVEL, NALEGACH ARGUED GOC MUST BE MADE AWARE THAT THESE 3,000 PERSONS MUST CONSTITUTE ENTIRE DETAINEE RELEASE PROGRAM AND THAT THERE CAN BE NO CONTINUING PROGRAM INVOLVING NEW CASES IN THE COMING YEARS. IN OTHER WORDS, HE

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SAID, COMAR AND THE INTERNATIONAL AGENCIES WILL HANDLE THESE PEOPLE, BUT ON THE UNDERSTANDING THAT GOC WILL STOP DETAINING PEOPLE AND SUBSEQUENTLY TRYING TO EXILE THEM. "LET THIS BE THE END." NALEGACH SAID HE WAS ACTIVELY WORKING AMONG HIERARCHIES OF VARIOUS DENOMINATIONS TO BRING CONCERTED PRESSURE ON GOC TO THIS END, HOPEFULLY WITH MAY CUTOFF FOR NEW DETENTIONS, BUT HE ADMITTED THERE IS NO "CONSENSUS" AS YET TO MAKE THIS TYPE OF REPRESENTATION TO GOC.

9. COMMENT: NALEGACH'S FIGURES ARE IN LINE WITH OTHER STATISTICS WE HAVE REPORTED (SANTIAGO 0196). HIS INFORMATION ON THE CURRENT FRENETIC ACTIVITY OF MILITARY TRIBUNALS IS ALSO CONFIRMED BY OTHER EMBASSY SOURCES. HE IS PROBABLY OVEROPTIMISTIC, HOWEVER, ON DEGREE OF POSSIBLE COHESION AMONG VARIOUS CHURCH GROUPS CONCERNING A STRONG REPRESENTATION TO GOC ON HALTING

DETENTIONS OR GOC RECEPTIVITY TO SUCH A DEMARCHE. WHILE A
NUMBER OF PROMINENT CATHOLIC CLERGYMEN ARE INTERESTED IN
EXERTING STRONG PRESSURE ON GOC, A NUMBER OF THE EVANGELICAL
PROTESTANT DENOMINATIONS ARE CONSIDERABLY LESS ENTHUSIASTIC.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: POLITICAL ASYLUM, HUMAN RIGHTS, POLITICAL PRISONERS, PRISONERS RELEASE, PROGRESS REPORTS
Control Number: n/a
Copy: SINGLE
Draft Date: 30 JAN 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: SmithRJ
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975SANTIA00646
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750034-0789
From: SANTIAGO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t1975016/aaaaafdp.tel
Line Count: 174
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION ARA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: SmithRJ
Review Comment: n/a
Review Content Flags:
Review Date: 23 JUN 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <23 JUN 2003 by KelleyW0>; APPROVED <31 OCT 2003 by SmithRJ>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: STATUS OF DETAINEE RELEASE PROGRAM
TAGS: PINS, SHUM, SREF, CI
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006